

## REMARKS

Claims 1 and 8 have been amended to recite that: (1) the interior surface of the outer wall of the head adjacent at least one opening is spaced from the end portion of the stem when the head is secured to the stem; and (2) the end portion of the stem includes an end surface and a side surface extending away from the end surface, and at least one screw contacts the side surface of the end portion of the stem when the head is secured to the stem. These features of the invention are clearly shown in Figures 11 and 12 of the application.

### 35 U.S.C. 102

Claims 1-2, 5-6 and 8-9 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,887,277 to Rauscher *et al.* ("Rauscher"). Independent claims 1 and 8 now require that the interior surface of the outer wall of the head adjacent at least one screw opening be spaced from the end portion of the stem when the head is secured to the stem. Looking at Figures 11-13 of Rauscher, the interior surface of the head 33 is not spaced from the stem 7a adjacent each screw opening. Therefore, the head 33 of Rauscher cannot move freely with respect to the stem 7a during implantation. The Office Action notes the spacing between elements 9 and 15 in Rauscher; however, this spacing is farther down the stem and is not adjacent the screw openings as recited amended independent claims 1 and 8. Accordingly, it is submitted that amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Rauscher that provides advantages over Rauscher.

Claims 1, 2 and 5-10 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,428,577 to Evans *et al.* ("Evans"). Independent claims 1 and 8 now require that at least one screw contacts the side surface of the end portion of the stem when the head is secured

to the stem. In Evans, the screw 24 contacts the end surface of the stem and therefore, side-to-side adjustability is lacking in the device of Evans. Therefore, it is submitted that amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Evans.

Claims 1, 2, 5, 6, 8 and 9 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0120339 to Callaway *et al.* ("Callaway"). Independent claims 1 and 8 now require that at least one screw contacts the side surface of the end portion of the stem when the head is secured to the stem. In Callaway, the screw 20 contacts the end surface of the stem and therefore, side-to-side adjustability is lacking in the device of Callaway. Therefore, it is submitted that amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Callaway.

#### 35 U.S.C. 103(a) Rejections

Claim 4 was rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,887,277 to Rauscher *et al.* As detailed above, amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Rauscher. Therefore, this rejection of claim 4 is overcome.

Claims 1-6 and 8-9 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,361,563 to Terrill-Grisoni *et al.* ("Terrill-Grisoni"). Independent claims 1 and 8 now require that the interior surface of the outer wall of the head adjacent at least one screw opening be spaced from the end portion of the stem when the head is secured to the stem. Looking at Figure 37 of Terrill-Grisoni, the end portion of the stem is not spaced from the interior surface of the outer wall of the head adjacent each opening when the head is secured to the stem. Note how the end portion of the stem of Terrill-Grisoni contacts the interior surface of

the outer wall of the head adjacent each opening. Therefore, side-to-side adjustability is lacking in the device of Terrill-Grisoni. Accordingly, it is submitted that amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Terrill-Grisoni that provides advantages over Terrill-Grisoni.

#### Conclusion

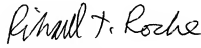
It is believed that the entire application is in condition for allowance. No fees are believed to be needed for entering this amendment. If any additional fees are needed, please charge them to deposit account 17-0055.

Respectfully submitted,

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Dated: April 30, 2007

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